IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20160 of 2007

Dated: September 24, 2007

Between:

D. Ramakrishna, S/o. D. Rama Rao,
Aged 42 years, R/o. Plot No.29, Balaji's
West County, Nizampet, KPHC, Hyderabad-72,
And another.

… Petitioners

And

District Registrar, Stamps and Registration,
Moosapet, Ranga Reddy District, and another.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the second respondent in not receiving and registering the sale deeds presented by the petitioners for registration with regard to flats constructed in Plot No.19 in Sy.No.233/10 and 233/11 of Nizampet Village, Qutbullapur Mandal, Ranga Reddy District as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents.

3. In the affidavit filed in support of the writ petition, it is stated that petitioners purchased Plot No.19, admeasuring 363 Sq. yards in the aforesaid survey numbers under registered sale deed dated 06-02-2004 from N. Prabhavathi and four others. The case of the petitioner is that their vendors were the absolute owners of the said land having purchased the same from Ch. Yella Reddy and others. It is stated that the said Yella Reddy purchased the said land from S.K. Haji, an ex-serviceman, under registered sale deed dated 04-11-2000.

4. The grievance of the petitioners is that they have constructed flats in the said land and sold them to third parties; however, when sale deeds relating thereto were presented before the second respondent, he has refused to receive and register the same on the ground that the land in Sy.No.233 of Nizampet Village is an assigned land. It is stated that when the authorities refused to register the documents pertaining to the aforesaid survey numbers, vendors of the petitioners filed W.P.No.21277 of 2002, which was disposed of by this court directing the Sub-Registrar to register the documents if they are otherwise in order. The case of the petitioners is that there cannot be any impediment or embargo for selling flats constructed in the land in question and the respondents cannot refuse to receive the documents presented before them without assigning any reason.

5. At this stage, it is not known what are the reasons for not accepting the sale deeds presented for registration. Whenever documents are presented for registration, the registering authority is bound to receive the same and cannot refuse to receive at the threshold. However, the authority is entitled to raise any objections for the documents to be registered and should give reasons for declining to register the documents in view of the provisions of Section 71 of the

Registration Act, 1908.

6. As much as petitioners allege that the documents presented by them are not being received by the respondents, I dispose of the writ petition directing the respondents to receive the documents which are proposed to be presented by the petitioners for registration and consider the same in accordance with the provisions of the Registration Act, 1908 ('the Act' for brevity) and the rules made thereunder. It is clarified that if there are any objections for registering the said document, it is open for the respondents to make an endorsement to that effect, record reasons and communicate the same to the petitioners as per Section 71 of the Act. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 24, 2007
MRR